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C O N F I D E N T I A L NAIROBI 003180

SIPDIS

FOR AF/AS NEWMAN, EB/AS WAYNE, MCC CEO APPLEGARTH AND A/CEO  
SETHNESS, NSC SENIOR DIRECTOR COURVILLE, AND USAID  
ASSISTANT ADMINISTRATOR FOR AFRICA PIERSON  
ALSO FOR STATE AF/E, AF/EPS, AND AF/PD;  
USAID/PPC:PDELP AND AFR/EA:JBORNS

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TAGS: [KMCA](#) [EAID](#) [PGOV](#) [ECON](#) [EFIN](#) [PREL](#) [KCOR](#) [KE](#) [MCA](#)

SUBJECT: ENGAGING KENYA ON ITS MCA THRESHOLD PROPOSAL

REF: NAIROBI 1593 AND PREVIOUS

Classified By: Ambassador William M. Bellamy for reasons 1.4 b and d.

1. (U) This is joint Embassy-USAID Message.
2. (C) Embassy Nairobi welcomes the proposed August 15-19 visit by MCC personnel to evaluate Kenya's application for MCC Threshold funding and encourages an early country clearance request. We see the purpose of this visit as assessing Kenya's efforts to draft a Threshold proposal that reflects a tangible commitment from the highest levels in the GOK to take direct, substantive action to address high-level corruption.
3. (C) Any MCC program in Kenya -- where high-level, official corruption runs largely unchecked -- poses special challenges. While Kenya arguably does not have all of the legal resources it needs to prosecute and win corruption cases in court, Kenya's problem is not that it lacks the laws, institutions or experience necessary to fight corruption. The record to date is that these resources will be of little use without high-level political determination to use them effectively. Conversely, there is much the Kibaki government could do today, through the simple exercise of Presidential authority, to discipline corrupt ministers and stop corrupt practices. This is not happening, in large part because the proceeds of high-level corruption are being plowed back into the political machine that supports President Kibaki and his re-election in 2007.
4. (C) These unfortunate trends won't be turned around by vulnerable civil servants trying to enforce rules. Political elites in Kenya frequently ride roughshod over legislation they don't like, court rulings with which they disagree, and regulations that hamper their business activities. Thus, any meaningful MCC program in Kenya -- if it is to address seriously the scourge of official corruption -- must be designed to test and measure high-level political will.
5. (C) As was agreed in the interagency meeting on Kenya in Washington June 16, USG interests are best served by a well-focused threshold program that enables the Kenyan government to demonstrate a real commitment to combating corruption. Such a program should contain specific benchmarks or performance indicators against which Kenya's commitment can be measured. It should target one or more ministries where there are clear governance/corruption issues (such as the Ministries of State Security and Health), and not just the most convenient institutions.

BELLAMY